IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 23201 of 2004

Between:

1 Adusumilli Lakshmi Prasoonamba, w/o late Suryanarayana,
2 Adusumilli Bhagyalakshmi, w/o late Rama Krishna Rao,
3 Adusumilli Anasuyamma, w/o late Ramachandra Rao,
(All are r/o Krishnalanka, Vijayawada)

..... PETITIONER(S)

AND

The Special Officer and Competent Authority, Urban Land Ceiling, Vijayawada-2.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any writ or order or direction more particularly one in the nature of writ of mandamus directing the respondent to consider the petitioners representation dated 20-07-2004 in the light of the Master plan and G.O.Ms.No.733, Revenue (UC.III) Department, dated 31-10-1988, and pass such other order or orders.

Counsel for the Petitioners : MR. RAJA REDDY KONETI

Counsel for the Respondent : GP FOR REVENUE

The Court made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.23201 OF 2004

ORAL ORDER :

Heard the learned Counsel for the petitioners and the learned Government Pleader appearing for the respondents.

The petitioners seek a Writ of Mandamus directing the respondents to consider their representation dated 20-07-2004 in the light of the Master Plan and G.O.Ms.No.733, Revenue (U.C.II) Department, dated 31-10-1988.

As can be seen from the material on record, on declarations made on behalf of the petitioners, the respondent – Special Officer and Competent Authority, Urban Land Ceiling, Vijayawada-2 passed the orders in the year 1981 determining the surplus lands held by the petitioners. It appears that subsequently the petitioners filed Appeals. However, the appellate authority has confirmed the orders passed by the Special Officer dated 31-07-1981 under Section 8(4) of The Urban Land (Ceiling and Regulations) Act, 1976 (for short, 'the Act'). The petitioners do not dispute the fact that the said orders have become final, but this writ petition is filed aggrieved by the alleged inaction on the part of the respondent in considering their representation dated 20-07-2004 requesting to extend the benefit of G.O.Ms.No.733, dated 31-10-1988 and to grant exemption of vacant land held by them.

On behalf of the respondent, a counter-affidavit has been filed stating that since the Special Officer has passed the orders on 31-07-1981 i.e, much prior to the issuance of G.O.Ms.No.733, dated 31-10-1988, the petitioners cannot be granted any relief. It is also pleaded that no such representation as claimed by the petitioners is pending

with the respondent.

A perusal of G.O.Ms.No.733, dated 31-10-1988 shows that so far as the excess vacant land held by individuals is concerned, the Government has granted certain exemption up to 5 Acres in peripheral areas and urban agglomerations. Since by virtue of the orders of the Special Officer, the petitioners were held to be surplus land-holders, it is for the competent authority to consider whether the petitioners are entitled for the exemption as provided under G.O.Ms.No.733, dated 31-10-1988 or not.

In the circumstances, without expressing any opinion as to the entitlement of the petitioners for grant of exemption under G.O.Ms.No.733, dated 31-10-1988, the writ petition is disposed of granting liberty to the petitioners to make a fresh representation, within four weeks from today. If any such representation is made within the time specified above, the same shall be considered by the respondent and appropriate orders be passed in accordance with law as expeditiously as possible preferably within a period of eight weeks thereafter.

Accordingly, the Writ Petition is disposed of. No costs.

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10th February, 2005.

gbs

To

1. The Special Officer and Competent Authority, Urban Land Ceiling, Vijayawada-
2.

2. 2 CCs to G.P. for Revenue, High Court of AP Bldgs, Hyderabad (OUT).

3. 2 CD copies